

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5403 of 2018

Arising Out of PS.Case No. -189 Year- 2017 Thana -BASOPATTI District- MADHUBANI

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Upendra Mandal, S/o Mahavir Mandal, R/o Village- Birpur, P.S.- Basopatti,
District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Babita Kumari, Advocate.

For the Opposite Party : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
29.09.2017 in a case for the offence registered under Sections 272,
273 of the IPC and 30(a) of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 360 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet/prosecution report has been submitted in the present
case. There is no allegation of tampering with the witnesses
alleged against the petitioner. The petitioner has falsely been



implicated in the present case. It is alleged that total 360 liters wine is recovered from the car in question. The petitioner is driver of the said vehicle in question. The name of the petitioner has come on the basis of alleged recovery made from the car in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the liquor kept in the car in question. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with G.R. No. 619 of 2017, arising out of Basopatti P.S. Case No. 189 of 2017.

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(Sudhir Singh, J)

